

REMARKS

Presently, claims 1-44 are pending in the application. Claims 1, 15, 29, 31 and 42 have been amended to more particularly point out the present invention. Support for the amendments to the claims may be found, for example, in Figs. 5-7 of the present application. Accordingly, no new matter has been added by the foregoing amendments.

Prior Art Rejections - § 102(b)

The Examiner has rejected claims 1, 13, 31, 35, 38, 39, 41, 42 and 44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,790,028 to Ramage ("Ramage"). The Examiner contends that Ramage discloses selecting for enlargement a portion of an original image displayed on a graphical user interface ("GUI") and displaying both the selected, magnified portion and the non-selected portion, where the selected and non-selected portions are displayed adjacent each other. The Examiner therefore concludes that Ramage anticipates claim 1 of the present invention. Applicants respectfully traverse this rejection.

Ramage discloses a method and apparatus for generating variably scaled displays. More specifically, Ramage discloses variably scaling an image where some portions of the image are shown at increased magnification and other portions are shown at reduced magnification. In Ramage the mean magnification across the entire image remains equal to one. Thus, to enlarge a portion of the image, other portions must be correspondingly compressed. This is accomplished by dividing the image area into segments and assigning each segment an individual scaling function. A rescaled image is created using transformed image points generated by the scaling function for each image segment. The size of the image area segment to be magnified is selected such that the area covered by the segment when it is modified remains constant for all values of the scaling function. Stated differently, the area to be magnified is set by the selected scaling function. Ramage implements such a method by designating the image on a touch screen such that the value of the scaling function (and therefore the size of the area to be magnified) is a function of the length of time that a user contacts the image screen at the center of the area to be magnified. Ramage further discloses that the scaled image display may be used to select a portion of a system display for enlargement so that detailed data in the system display may be

presented. For example, Ramage discloses that the details of a schematic diagram or complex plant process may be too small to accurately view when displaying the entire plant process. However, by using the invention disclosed by Ramage, a portion of the system display may be enlarged so that detailed data, such as component status and parameter values for the portion of interest are more easily viewed without losing relationship of that portion to the remainder of the system as a whole (see col. 9, lines 3-24 of Ramage). Ramage further discloses an apparatus for practicing the disclosed method, including a digital computer 24, a display generator 30 which converts signals received from the computer 24, a visual display device 34 which may include a touch screen thereon for a user to input desired parameters and instructions.

For a rejection under § 102(b) to be proper, a reference must disclose, either explicitly or inherently, each and every element of the claimed invention. Applicants respectfully submit that Ramage does not teach each and every element recited in independent claim 1.

Independent claim 1 recites:

A method of enlarging a digital image displayed in a graphical user interface (GUI), the method comprising:

(a) selecting for enlargement a portion of an original image displayed in the GUI; and

(b) displaying, adjacent to and distinct from an enlarged image of the selected portion, an image of the remaining portion of the original image that was not selected for enlargement, wherein the remaining portion does not include image data displayed by the enlarged image.
(Emphasis added.)

Ramage does not disclose a method of enlarging a digital image which includes displaying "adjacent to and distinct from an image of the remaining portion of the original image that was not selected for enlargement..." According to the present invention recited in independent claim 1, an original image 600 (see Fig. 6) includes one or more portions (e.g., the program windows 605, 610, 615 and 620), one of which may be selected for enlargement. Referring to Fig. 7, the portion 720 has been selected for enlargement and is displayed as an enlarged segment on the image 700. Those portions of the original image (e.g., the windows 705, 710 and 715) not selected for enlargement are displayed adjacent to and distinctly separated from the enlarged image 720. That is, not only does the remaining portion not include image

data displayed by the enlarged image, but the remaining portion is not in any manner a part of or otherwise integrated with the enlarged image 720. In contrast, the scaled display disclosed by Ramage includes a single, complete image which is rescaled according to scaling functions of individual segments, such that the mean magnification across the entire image remains equal to one. Although Ramage utilizes image area segments which may each be assigned their own individual scaling function, the end result is an image as shown in Fig. 3 of Ramage which includes an integrated final image made of up scaled, enlarged and compressed portions of the original image. The purpose of providing such a scaled image is so that entire displays of large, complex systems may be presented with enlarged portions while retaining relationship of that portion to the remainder of the system.

In Ramage, there are no initially distinct image portions from which to select and thus, there cannot be any portions in the scaled image which are distinct from the enlarged portion. That is, to create the scaled image in Ramage, the value of the scaling function, and thus the size of the area to be magnified is a function of the length of time that contact is maintained with the touch screen at the center of the area to be magnified – wherever the user desires the center to be. The result in Ramage is a single, unified image that is generally representative of the original image but which has a portion thereof enlarged (and thus one or more portions correspondingly compressed) such that the layout and content of the original image is maintained. This is unlike the invention recited in independent claim 1 where the remaining portion of the original image not selected for enlargement is distinct from the enlarged image, and not integrated therewith. As shown in Figs. 6 and 7 of the present invention, the overall layout as well as content of the resultant image in Fig. 7 is different than the original image 600 in Fig. 6. In Fig. 7 the remaining portions 705, 710 and 715 remain distinct from the enlarged image such that their position and size may be altered with respect to the original image 600, whereas in Ramage the portions not selected for enlargement remain in their original location with respect to the enlarged portion. Since Ramage does not teach each and every element of independent claim 1, claim 1 is believed to be allowable over Ramage.

Dependent claim 13 is allowable at least by its dependency on independent claim 1.

Independent claim 31 recites a method of displaying a digital image which displays "adjacent to and distinct from an enlarged image...the remaining selectable image portions that were not selected..." Similarly, independent claim 42 recites "displaying, adjacent to and

distinct from an enlarged image of the selected portion, at least the selectable image portions that were immediately adjacent to the selected image portion prior to being enlarged." For the same reasons as discussed above with respect to independent claim 1, Ramage does not disclose remaining portions or selectable portions which are distinct from the enlarged image. Accordingly, independent claims 31 and 42 are allowable over Ramage.

Dependent claims 35, 38, 39, 41 and 44 are allowable at least by their dependency on independent claims 31 and 42, respectively. Reconsideration and withdrawal of the Examiner's § 102(b) rejection of claims 1, 13, 31, 35, 38, 39, 41, 42 and 44 are respectfully requested.

Prior Art Rejections - § 103(a)

The Examiner has rejected claims 2, 14, 15 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Ramage. The Examiner contends that Ramage describes a complex surveillance or control system with many components and that portions of the display may be selected to present detail data of interest from the original image. The Examiner further contends that it is practical to hide this detailed data until the component of interest is selected. The Examiner acknowledges that Ramage does not explicitly determine if there is hidden supplemental data, but nonetheless concludes that it would have been obvious to determine if such data exists because this would allow the system to reduce processing or avoid the generation of magnified images if no such data exists. Furthermore, the Examiner contends that the system would determine the presence of detailed data if such data exists. Applicants respectfully traverses this rejection.

As discussed above with respect to the Examiner's rejection of independent claim 1 over Ramage, Ramage does not disclose each and every element of independent claim 1. In particular, Ramage does not disclose a remaining image portion which is distinct from the enlarged image. Since Ramage does not teach each and every element of independent claim 1, Applicants respectfully submit that independent claim 1 is allowable over Ramage.

Dependent claim 2 is allowable at least by its dependency on independent claim 1. Furthermore, with respect to the Examiner's contention that Ramage teaches displaying hidden supplemental data corresponding to the selected portion, Applicants respectfully submit that Ramage does not teach this feature. Rather, referring to col. 9, lines 3-36 of Ramage (the same

portion of Ramage upon which the Examiner relies), Ramage teaches that "the scale of a selected portion of the system display can be enlarged so that detail data presented . . . can be seen more readily without losing the relationship of that portion to the remainder of the system" Ramage does not teach or suggest that such additional detail data is originally hidden from view, and is, therefore, revealed, changed or otherwise altered upon selecting the desired portion containing that data for magnification. On the contrary, Ramage teaches away from containing and revealing hidden supplemental data since the goal in Ramage is to variably scale a large system display and enlarge portions of that display without losing the relationship of that portion to the remainder of the system. Accordingly, it would not be obvious to one of ordinary skill in the art to even have hidden supplemental data in Ramage, let alone reveal such hidden data upon enlarging the selected portion.

When making a rejection under 35 U.S.C. § 103, the Examiner has the burden of establishing a *prima facie* case of obviousness. The Examiner can satisfy this burden only by showing an objective teaching in the prior art, or that knowledge generally available to one of ordinary skill in the art, would lead that individual to combine the relevant teachings of the references in the manner suggested by the Examiner. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1998). The mere fact that the prior art could be modified in the manner proposed by the Examiner, does not make the modification obvious unless the prior art suggests the desirability of the modification. *Ex Parte Dussaud*, 7 U.S.P.Q.2d 1818, 1820 (Bd. Pat. App & Interf. 1988). Applicant respectfully submits that the Examiner has not met this burden, since the Examiner has not pointed to an objective teaching or combination of references which disclose Applicant's claimed invention.

Furthermore, because the Examiner has simply stated that the claimed method of enlarging digital images is obvious in view of Ramage without producing any additional prior art reference to meet the burden of establishing a *prima facie* case of obviousness, the Examiner's rejection is tantamount to taking Official Notice that Applicant's invention is obvious. That is, since there is no reference which the Examiner relies on to show that the claimed method is obvious in view of Ramage, the Examiner has, *de facto*, taken Official Notice that providing hidden supplemental data upon enlarging an image is well known in the art. However, Applicant disagrees that there are "facts outside the record which are capable of instant and unquestionable demonstration as being 'well-known' in the art," as required by MPEP 2144.03, which would

support an examiner's finding of Official Notice. Therefore, to the extent the Examiner's assertion is tantamount to Official Notice of what is known in the art of digital images, and pursuant to MPEP 2144.03, the Examiner should cite a reference in support of this position.

Accordingly, Applicants respectfully submit that dependent claim 2 is allowable over Ramage.

Independent claim 14 also recites "displaying an enlarged image of the selected portion, the enlarged image revealing the hidden supplemental data." For the same reasons as discussed above with respect to dependent claim 2, Applicants respectfully submit that Ramage does not teach each and every element of independent claim 14. Furthermore, the Examiner has not pointed to a specific reference to substantiate the contention that the concept of displaying hidden supplemental data is well known in the art. Accordingly, independent claim 14 is believed to be allowable over Ramage.

Dependent claim 15 is allowable at least by its dependency on independent claim 14. Additionally, for the same reasons as discussed above with respect to independent claim 1, Ramage does not disclose a remaining portion displayed "adjacent to and distinct from an enlarged image," as recited in dependent claim 15. Accordingly, claim 15 is believed to be allowable over Ramage.

Similarly, independent claim 29 recites an apparatus for enlarging a digital image such that the remaining portion "is distinct from the enlarged image." For the same reasons as discussed above with respect to the Examiner's § 102(b) rejection of independent claim 1, Applicants respectfully submit that Ramage does not teach each and every element of independent claim 29. Accordingly, independent claim 29 is believed to be allowable over Ramage. Reconsideration and withdrawal of the Examiner's obviousness rejection of claims 2, 14, 15 and 29 are respectfully requested.

The Examiner has rejected claims 3-5, 16-18, 30, 32-34 and 36 as being unpatentable over Ramage in view of U.S. Patent No. 6,700,624 to Yun ("Yun"). The Examiner contends that Ramage teaches all of the elements of the claimed invention, but does not teach a table used for correlation of the hidden supplemental data. The Examiner further contends that Yun teaches this missing element and concludes that it would have been obvious to incorporate Ramage's magnification method with the teachings of Yun to result in the claimed invention. Applicants respectfully traverse this rejection.

As discussed above with respect to the Examiner's rejection of independent claim 1, Ramage does not teach each and every element of independent claim 1. Yun does not teach or suggest these missing elements. Accordingly, independent claim 1 is believed to be allowable over the combination of Ramage and Yun. Dependent claims 3-5, 32-34 and 36 are allowable at least by their dependency on independent claims 1 and 31, respectively.

As discussed above with respect to the Examiner's § 103(a) rejection of independent claim 14, not only does Ramage not teach each and every element of independent claim 14, but Ramage teaches away from the concept of revealing hidden supplemental data upon enlarging a selected portion. Yun does not teach or suggest these missing elements. Similarly, independent claim 30 recites an apparatus for enlarging a digital image that searches to determine if there is hidden supplemental data corresponding to a selected portion and where the hidden supplemental data is revealed by the enlarged image. Thus, for the same reasons as discussed above with respect to independent claim 14, Ramage does not teach each and every element of independent claim 30 and such missing elements are not taught by Yun.

Moreover, Applicants respectfully submit that the combination of Ramage and Yun is improper. Ramage is directed to generating a variably scaled display for selectively enlarging desired portions of large, complex systems. In contrast, Yun is directed to a digital broadcast receiver and a method for displaying a program format. At the time of the present invention, there would have been no motivation for one of ordinary skill in the art to apply the variably scaled image of Ramage to Yun's event program guide ("EPG") since Ramage is intended for large schematic-type systems. Furthermore, since Ramage does not teach or suggest revealing hidden, supplemental data, one skilled in the art would not look to Ramage to reveal hidden data in Yun's EPG. Accordingly, independent claims 14 and 30 are believed to be allowable over the combination of Ramage and Yun.

Dependent claims 16-18 are allowable at least by their dependency on independent claim 14. Reconsideration and withdrawal of the Examiner's § 103(a) rejection of claims 3-5, 16-18, 30, 32-34 and 36 are respectfully requested.

The Examiner has rejected claims 6-11, 19-28, 37 and 40 as being unpatentable over Ramage, Yun and further in view of U.S. Patent Application Publication No. 2003/0005453 to Rodriguez ("Rodriguez") and U.S. Patent No. 6,025,838 to Killian ("Killian"). Applicants respectfully traverse this rejection.

For the same reasons discussed above with respect to the Examiner's § 102(b) rejection of independent claim 1, Ramage does not teach each and every element of independent claims 1 and 31. Yun, Rodriguez and Killian do not teach these missing elements. Accordingly, claims 1 and 31 are believed to be allowable over the combination of Ramage, Yun, Rodriguez and Killian.

Dependent claims 6-11 and 37 and 40, are allowable at least by their dependency on independent claims 1 and 31, respectively.

For the same reasons as discussed above with respect to the Examiner's § 103(a) rejection of independent claim 14, the combination of Ramage and Yun does not teach each and every element of independent claim 14. Rodriguez and Killian do not teach these missing elements. Additionally, the combination of Ramage and Yun is improper. Accordingly, independent claim 14 is believed to be allowable over the combination of Ramage, Yun, Rodriguez and Killian.

Dependent claims 19-21 are allowable at least by their dependency on independent claim 14.

With respect to independent claim 22, for the same reasons as discussed above with respect to the Examiner's § 103(a) rejection over Ramage in view of Yun, Applicants respectfully submit that the combination of Ramage and Yun and improper. Accordingly, independent claim 22 is believed to be allowable over the combination of Ramage, Yun, Rodriguez and Killian.

Dependent claims 23-28 are allowable at least by their dependency on independent claim 22. Reconsideration and withdrawal of the Examiner's § 103(a) rejection of claims 6-12, 19-28, 37 and 40 are respectfully requested.

The Examiner has rejected claim 12 as being unpatentable over Ramage in view of PCT Publication WO 00/25267 to Poston ("Poston").

For the same reasons as discussed above with respect to the Examiner's § 102(b) rejection of independent claim 1, Ramage does not teach each and every element of independent claim 1. Poston does not teach or suggest these missing elements. Accordingly, independent claim 1 is believed to be allowable over the combination of Ramage and Poston. Dependent claim 12 is allowable at least by its dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's § 103(a) rejection of claim 12 are respectfully requested.

The Examiner has rejected claim 43 as being unpatentable over Ramage, Yun, Rodriguez, Killian and further in view of Poston. For the same reasons as discussed above with respect to the Examiner's § 102(b) rejection of independent claim 1, Ramage does not teach each and every element of independent claim 42. Yun, Rodriguez, Killian and Poston do not teach or suggest these missing elements. Accordingly, independent claim 42 is believed to be allowable over the combination of these references. Dependent claim 43 is allowable at least by its dependency on independent claim 42. Reconsideration and withdrawal of the Examiner's § 103(a) rejection of claim 43 are respectfully requested.

Conclusion

In view of the foregoing remarks, Applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including claims 1-44, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

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